

Order

Michigan Supreme Court
Lansing, Michigan

October 28, 2009

Marilyn Kelly,
Chief Justice

139112

Michael F. Cavanagh
Elizabeth A. Weaver
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman
Diane M. Hathaway,
Justices

KENSINGTON HEIGHTS COOPERATIVE,
Plaintiff-Appellant,

v

SC: 139112
COA: 289817
Oakland CC: 2008-008807-AV

PATRICIA OROZCO,
Defendant-Appellee.

On order of the Court, the application for leave to appeal the May 12, 2009 order of the Court of Appeals is considered and, pursuant to MCR 7.302(H)(1), in lieu of granting leave to appeal, we REVERSE the judgment of the Court of Appeals and REINSTATE the district court's April 14, 2008 order granting a default and default judgment. In granting the plaintiff's motion to compel discovery, the district court placed the defendant on notice that she was subject to a default judgment for failure to comply with the discovery request. Such a sanction was reasonable given the facts of this case and the defendant's repeated failure to comply with discovery requests. Accordingly, the district court did not abuse its discretion in entering the default judgment for the plaintiff.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

October 28, 2009

Corbin R. Davis

Clerk